UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,301	07/30/2001	Paul G. Allen	4000.2.52	9860

32641 7590 12/08/2005

DIGEO, INC C/O STOEL RIVES LLP
201 SOUTH MAIN STREET, SUITE 1100
ONE UTAH CENTER
SALT LAKE CITY, UT 84111

EXAMINER	
MIRZA, ADNAN M	

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/918,301	ALLEN ET AL.	
	Examiner	Art Unit	
	Adnan M. Mirza	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-61* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-61* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnott (U.S. 2002/0083462) and Miller et al (US 2002/0049977).

As per claim 1,20,39 Arnott disclosed a method for organizing video streams on a display screen comprising: receiving a plurality of video streams at a network terminal; simultaneously displaying the video streams in a user interface provided by the network terminal (Page. 4, Paragraph 0043);

However Arnott did not disclose in detail ranking at least a portion of the video streams according to a set of ranking criteria, wherein said ranking is to determine the relative locations of the video streams within the user interface; and arranging the locations of at least a portion of the simultaneously-displayed video streams within the user interface in order of rank.

In the same field of endeavor Miller disclosed the transmission between the centralized facility and the local center in controlled by a stream manager capable based upon various criteria, of prioritizing the transmission of different video streams both live and previously stored, determining whether certain video data should be stored at the local center, distributing the total volume of video data over multiple networks (Page. 1, Paragraph. 0006). One ordinary skill in the art at the time of the invention easily relate the prioritizing the transmission of different video streams, determining whether certain video data should be stored at the local centre to wherein said ranking is to determine the relative locations of the video streams within the user interface.

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated the transmission between the centralized facility and the local center in controlled by a stream manager capable based upon various criteria, of prioritizing the transmission of different video streams both live and previously stored, determining whether certain video data should be stored at the local center, distributing the total volume of video data over multiple networks as taught by Miller in the method of Arnott to overcome the disadvantage of streaming the content of the video according to the criteria and prioritize to display on the screen.

3. As per claims 2,21,40 Arnott-Miller disclosed further comprising: detecting a scene change within a first video stream; and promoting the first video stream to a higher rank thereby changing the location of the first video stream within the user interface (Miller, Page. 2, Paragraph 0018, 0023). It would have been obvious to combine Miller in

the method of Arnott to overcome the disadvantage of streaming the content of the video according to the criteria and prioritize to display on the screen.

4. As per claims 3,22,41 Arnott-Miller disclosed wherein at least one video stream comprises a scene change, and wherein at least a portion of the video streams are ranked, and therefore arranged within the user interface according to recency of scene changes (Miller, Page. 3, Paragraph. 0018, 0027). It would have been obvious to combine Miller in the method of Arnott to overcome the disadvantage of streaming the content of the video according to the criteria and prioritize to display on the screen.

5. As per claims 4,23,42 Arnott-Miller disclosed wherein at least one video stream comprises a scene change, and wherein at least a portion of the video streams are ranked, and therefore arranged within the user interface according to frequency of scene changes (Miller, Page. 3, Paragraph 0033 & 0038). One ordinary skill in the art at the time of the invention easily relate the prioritizing the transmission of different video streams, determining whether certain video data should be stored at the local centre to wherein said ranking is to determine the relative locations of the video streams within the user interface. It would have been obvious to combine Miller in the method of Arnott to overcome the disadvantage of streaming the content of the video according to the criteria and prioritize to display on the screen.

6. As per claims 5,24,43 Arnott-Miller disclosed wherein the video streams are ranked, and therefore arranged within the user interface according to how many network terminals are displaying the respective video streams (Miller, Page. 2, Paragraph 0025). It would have been obvious to combine Miller in the method of Arnott to overcome the disadvantage of streaming the content of the video according to the criteria and prioritize to display on the screen.

7. As per claims 6,25,44 Arnott-Miller disclosed wherein at least one video stream is promoted to a higher rank in response to the time of day thereby changing the location of the at least one video stream within the user interface (Miller, Page. 2, Paragraph 0018, 0022). It would have been obvious to combine Miller in the method of Arnott to overcome the disadvantage of streaming the content of the video according to the criteria and prioritize to display on the screen.

8. As per claims 7,26,45 Arnott-Miller disclosed wherein at least one video stream is promoted to a higher rank in response to the day of the week thereby changing the location of the at least one video stream within the user interface (Miller, Page. 2, 0018, Paragraph 0023). It would have been obvious to combine Miller in the method of Arnott to overcome the disadvantage of streaming the content of the video according to the criteria and prioritize to display on the screen.

9. As per claims 8,27,46 Arnott-Miller disclosed wherein at least one video stream is promoted to a higher rank in response to information contained within a user's calendar thereby changing the location of the at least one video stream within the user interface (Miller, Page. 3, Paragraph. 0018, 0027). It would have been obvious to combine Miller in the method of Arnott to overcome the disadvantage of streaming the content of the video according to the criteria and prioritize to display on the screen.

10. As per claims 9,28,47 Arnott-Miller disclosed wherein displaying comprises: displaying the video streams in a grid format in the user interface (Miller, Page. 1, Paragraph. 0013). It would have been obvious to combine Miller in the method of Arnott to overcome the disadvantage of streaming the content of the video according to the criteria and prioritize to display on the screen.

11. As per claims 10,29,48 Arnott-Miller disclosed wherein a video stream displayed near the top of the user interface is designated as having a higher rank than a video stream displayed near the bottom of the user interface (Miller, Page. 2, Paragraph. 0019). It would have been obvious to combine Miller in the method of Arnott to overcome the disadvantage of streaming the content of the video according to the criteria and prioritize to display on the screen.

12. As per claims 11,30,49 Arnott-Miller disclosed wherein a video stream displayed near the left side of the user interface is designated as having a higher rank than a video stream displayed near the right side of the user interface (Miller, Page. 3, Paragraph 0018, 0027). It would have been obvious to combine Miller in the method of Arnott to overcome the disadvantage of streaming the content of the video according to the criteria and prioritize to display on the screen.

13. As per claims 12,31,50 Arnott-Miller disclosed wherein displaying comprises: displaying the video streams in a ticker format in the user interface (Miller, Page. 1, Paragraph. 0013). It would have been obvious to combine Miller in the method of Arnott to overcome the disadvantage of streaming the content of the video according to the criteria and prioritize to display on the screen.

14. As per claims 13,32,51 Arnott-Miller disclosed wherein the ticker format comprises a moving carousel of simultaneously displayed video streams having a beginning position and an ending position (Miller, Page. 2, Paragraph 0025), and wherein a video stream displayed near the beginning position is designated as having a higher rank than a video stream displayed near the ending position (Miller, Page. 3, Paragraph 0018, 0027). It would have been obvious to combine Miller in the method of Arnott to

overcome the disadvantage of streaming the content of the video according to the criteria and prioritize to display on the screen.

15. As per claims 14,33,52 Arnott-Miller disclosed wherein displaying comprises: visually emphasizing the video stream of highest rank within the user interface (Miller, Page. 3, Paragraph. 0029). It would have been obvious to combine Miller in the method of Arnott to overcome the disadvantage of streaming the content of the video according to the criteria and prioritize to display on the screen.

16. As per claims 15,34,53 Arnott-Miller disclosed wherein emphasizing comprises: enlarging the video stream of highest rank as displayed within the user interface relative to the other video streams (Miller, Page. 2, Paragraph. 0025). It would have been obvious to combine Miller in the method of Arnott to overcome the disadvantage of streaming the content of the video according to the criteria and prioritize to display on the screen.

17. As per claims 16,35,54 Arnott-Miller disclosed wherein the network terminal comprises one of a cable network terminal and a direct satellite broadcast (DBS) network terminal (Miller, Page. 1, Paragraph. 0013). It would have been obvious to combine

Miller in the method of Arnott to overcome the disadvantage of streaming the content of the video according to the criteria and prioritize to display on the screen.

18. As per claims 17,36,55 Arnott-Miller disclosed wherein the network terminal comprises an interactive television system (Miller, Page. 1, Paragraph. 0013). It would have been obvious to combine Miller in the method of Arnott to overcome the disadvantage of streaming the content of the video according to the criteria and prioritize to display on the screen.

19. As per claims 18,37,56 Arnott-Miller disclosed wherein at least one video stream comprises a broadcast television program (Miller, Page. 1, Paragraph. 0013). It would have been obvious to combine Miller in the method of Arnott to overcome the disadvantage of streaming the content of the video according to the criteria and prioritize to display on the screen.

20. As per claims 19,38,57 Arnott-Miller disclosed wherein at least one video stream comprises live video generated by a web cam (Miller, Page. 2, Paragraph. 0023). It would have been obvious to combine Miller in the method of Arnott to overcome the disadvantage of streaming the content of the video according to the criteria and prioritize to display on the screen.

21. As per claims 58,59 Arnott-Miller disclosed a method for displaying video streams received from multiple web cams linked by a network, the method comprising: receiving a plurality of video streams at an interactive television system coupled to the network; simultaneously displaying the video streams in a user interface provided by the interactive television system (Miller, Page. 1, Paragraph. 0013); ranking at least a portion of the video streams according to a user-defined set of ranking criteria (Miller, Page. 2, Paragraph 0018); arranging the locations of at least a portion of the displayed video streams in the user interface in order of rank as determined by the ranking criteria (Miller, Page. 2, Paragraph. 0027); detecting a change of scene within a first video stream; promoting the first video stream to a higher rank; and re-arranging at least a portion of the displayed video streams in the user interface in order of rank (Miller, Page. 2, Paragraph 0023). It would have been obvious to combine Miller in the method of Arnott to overcome the disadvantage of streaming the content of the video according to the criteria and prioritize to display on the screen.

22. Claims 60-61 has the same limitations as to claim 58 therefore under the same criteria claims 60-61 can be rejected.

Response to Arguments

23. Applicant argued that prior art did not disclose, "automatically ranking and arranging the locations of multiple video streams within a user interface".

As to applicant's argument Miller disclosed, "the transmission between the centralized facility and the local center in controlled by a stream manager capable based upon various criteria, of prioritizing the transmission of different video streams both live and previously stored, determining whether certain video data should be stored at the local center, distributing the total volume of video data over multiple networks" (Page. 1, Paragraph. 0006). One ordinary skill in the art at the time of the invention easily relate the prioritizing the transmission of different video streams, determining whether certain video data should be stored at the local centre to wherein said ranking is to determine the relative locations of the video streams within the user interface.

24. Applicant argued that prior art did not disclose, "Arrangements of multiple video streams with a user interface".

As to applicant's argument Arnott disclosed, "Both parties may then have the ability to choose between displaying the image of the other party to call, or displaying the image of the other part to call, or displaying the on-line event or web page of interest or both (Page, 4, lines 0043).

25. Applicant argued that prior art did not disclose, "methods for ranking video streams in order to affect their arrangement within a user interface".

As to applicant's argument Miller disclosed "the transmission between the centralized facility and the local center in controlled by a stream manager capable based upon various criteria, of prioritizing the transmission of different video streams both live and previously stored, determining whether certain video data should be stored at the local center, distributing the total volume of video data over multiple networks" (Page. 1, Paragraph. 0006).

Conclusion

26. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

27. The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)-272-3933. The fax for this group is (703)-746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for un published applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

AM

Adnan Mirza

Examiner

JASON CARDONE
SPE AU2145